IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 10821 of 2007(L)

PETITIONER:

CHELLATT MANOJ,
S/O.CHELLATT KAMALAKSHI AMMA,
VELLERIYIL VEEDU,ERANHIKKODE P.O,KOLAPAD,
MALAPPURAM DISTRIT.

BY ADV. SRI.K.S.AJITH KUMAR
SRI.SUSHANTH.J.

RESPONDENTS:

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1. NILAMBUR CO-OPERATIVE URBAN BANK LTD,
NILAMBUR P.O,MALAPPURAM DISTRIT.REPRESENTED BY
ITS SECRETARY.

2. DY.GENERAL MANAGER (THE AUTHORISED
OFFICER),NILAMBUR CO-OPERATIVE URBAN BANK LTD,
NILAMBUR P.O MALAPPURAM DISTRICT.

BY ADV. SRI.DEVAPRASANTH.P.J. FOR R2.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10821 of 2007(L)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: NOTICE DATED 6.2.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: OBJECTION DATED 24.3.2007 FILED BY THE PETITIONER.

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P.A. TO JUDGE.

S.SIRI JAGAN, J.
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W.P.C. No. 10821 OF 2007

Dated this the 18th day of June, 2007
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JUDGMENT

Petitioner challenges proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short the Act). At the time of admission of the petition I had granted an Interim Order directing the petitioner to pay an amount of Rs.3.5 lakhs within two months. However, the petitioner admits that he has not paid that amount.

It is settled law that proceedings under the Act has to be challenged before the Debt Recovery Tribunal in an appeal, as provided under the Act. The Supreme Court has repeatedly held that this court shall not ordinarily interfere with the proceedings under the Act. Petitioner has not pointed out any special circumstance warranting interference by this court.

Therefore the Writ Petition is dismissed without prejudice to the right of appeal of the petitioner under the Act.

S.SIRI JAGAN
Judge.

bkn